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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: DA VINCI SURGICAL
ROBOT ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Case No.: 3:21-cv-03496-AMO-LB

**STIPULATION AND ~~PROPOSED~~ ORDER
TO FURTHER MODIFY THE CLASS
CERTIFICATION BRIEFING SCHEDULE
AND SET CASE MANAGEMENT
CONFERENCE AND STATEMENT
DEADLINES**

Judge: Honorable Araceli Martínez-Olgún

STIPULATION AND ~~PROPOSED~~ ORDER TO FURTHER
MODIFY THE CLASS CERTIFICATION BRIEFING
SCHEDULE AND SET CASE MANAGEMENT
CONFERENCE AND STATEMENT DEADLINES

Case No.: 3:21-cv-03496-AMO-LB

Pursuant to Local Civil Rule 6-2, Plaintiffs Larkin Community Hospital, Franciscan Alliance, Inc., King County Public Hospital District No. 1, d/b/a Valley Medical Center (“Hospital Plaintiffs”), Surgical Instrument Service Company, Inc. (“SIS”) and Defendant Intuitive Surgical, Inc. (collectively, “the Parties”) hereby stipulate as follows and respectfully request that the Court endorse this stipulation with an order, consistent with the September 28, 2023 Order Modifying the Class Certification Briefing Schedule, further modifying the class certification briefing deadlines, and scheduling a Case Management Statement (“CMS”) and Case Management Conference (“CMC”):

WHEREAS, on June 23, 2023, this Court granted the Parties’ stipulation to modify the class certification briefing schedule (ECF No. 206), with Plaintiffs’ motion for class certification due October 27, 2023, Defendant’s opposition brief due December 6, 2023, and Plaintiffs’ reply brief due January 12, 2024;

WHEREAS, the Court held a hearing on the Parties’ Cross-Motions for Summary Judgment and Intuitive’s *Daubert* motions on September 7, 2023;

WHEREAS, on September 20-22, 2023, the Parties conferred and agreed, subject to Court approval, to defer class certification briefing until after the Court had ruled on the pending summary judgment motions;

WHEREAS, on September 28, 2023, the Court issued an order concerning the Parties’ stipulation vacating the September 28, 2023 CMS deadline and adjourning the October 5, 2023 CMC until a date convenient to the Court after it ruled on the pending summary judgment and *Daubert* motions, and further modifying the class certification briefing schedule (ECF No. 222): 1) Plaintiffs’ motion for class certification due 45 days after the Court ruled on the pending cross-summary judgment motions, 2) Defendant’s opposition brief due 45 days after the deadline to file the motion for class certification, and 3) Plaintiffs’ reply brief due 35 days after the deadline for Defendant to file its opposition to the motion for class certification (the “Stipulation”);

WHEREAS, the Court issued rulings on the Parties’ Cross-Motions for Summary Judgment and *Daubert* motions on March 31, 2024 (the “Orders”) and indicated that it would “discuss a proposed schedule for class certification at a future date” (ECF No. 232 at fn. 6);

WHEREAS, as a result of the actual timing of the Orders, Intuitive has requested, and plaintiffs have agreed, to add three additional weeks to the schedule set forth for briefing class certification in the Stipulation;

NOW THEREFORE, the Parties have agreed consistent with the Stipulation and the parties' discussions since the Orders, subject to the Court's approval, to the following schedule:¹

Event	Proposed Date
Case Management Statement	May 23, 2024
Case Management Conference	May 30, 2024
Deadline to file motion for class certification	June 6, 2024
Deadline to file opposition to motion for class certification	July 23, 2024
Deadline to file reply in support of motion for class certification	August 27, 2024
Class certification hearing	October 10, 2024

DATED: April 11, 2024

By: /s/ Jeffrey J. Corrigan

JEFFREY J. CORRIGAN

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¹ While SIS will participate in the CMS and CMC, the dates in connection with the class certification motion do not apply to the SIS litigation.

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DATED: April 11, 2024

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~~PROPOSED~~ ORDER

IT IS SO ORDERED that the foregoing Stipulation and ~~Proposed~~ Order to Further Modify the Class Certification Briefing Schedule and Set Case Management Conference and Statement Deadlines is approved.

Dated April 15, 2024

BY THE COURT:



HON. ARACELI MARTÍNEZ-OLGUÍN
United States District Judge